

# HOUSE BILL REPORT

## HB 2747

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**As Reported by House Committee On:**  
Criminal Justice & Corrections  
Appropriations

**Title:** An act relating to a model policy for disclosure of sex offender information.

**Brief Description:** Revising the model policy for disclosure of sex offender information.

**Sponsors:** Representatives Lovick, O'Brien, Ericks, Kilmer, Simpson and Moeller.

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 1/26/06, 1/31/06 [DPS];

Appropriations: 2/3/06, 2/4/06 [DPS(CJC)].

**Brief Summary of Substitute Bill**

- Requires the Washington Association of Sheriffs and Police Chiefs to create a model policy on sex offenders.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

**Staff:** Jim Morishima (786-7191).

**Background:**

In 1990, the Legislature enacted the Community Protection Act, which created one of the first sex offender registration laws in the country. A person convicted of a sex or kidnapping offense must register with the county sheriff of the county in which he or she resides. An offender must provide a variety of information when registering including his or her name, address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases, Social Security number, photograph, and fingerprints. The offender must also notify the county sheriff if he or she is enrolled in a public or private school or in an institution of higher education. Failure to meet the registration requirements is an unranked class C felony.

Law enforcement agencies are authorized to release information regarding registered sex offenders based on the offenders' risk level, which is initially assigned by the Department of Corrections' End of Sentence Review Committee and may subsequently be re-assigned by law enforcement. For example, for risk level I offenders (evaluated as the lowest level of risk within the larger community), a law enforcement agency may only disclose information about the offenders to specified persons and entities; e.g., schools, victims, witnesses. In contrast, for risk level III offenders (evaluated as the most risky to the community), a law enforcement agency may disclose information about the offenders to the public at large.

In 1997, the Legislature directed the Washington Association of Sheriffs and Police Chiefs (WASPC) to develop a model policy for law enforcement agencies to follow when disclosing sex offender information to the public. The model policy has not been significantly revised since its creation in 1997.

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### **Summary of Substitute Bill:**

When funded, the WASPC must convene a sex offender model policy work group to develop a model policy for law enforcement agencies and other criminal justice personnel. The model policy must contain recommendations on the following issues:

- procedures that local agencies may follow when making community notifications, including best practices relevant to the specific needs and characteristics of each community and the risk posed to that community and best practices for notification of a school and the community when a juvenile sex offender attends a school;
- the contents and form of community notification documents;
- methods of distributing community notification documents;
- methods of providing follow-up notifications to community residents;
- methods of providing information to other jurisdictions if necessary to protect the public;
- methods of educating community residents at public meetings;
- procedures and documents for local law enforcement agencies to provide appropriate notification when a sex offender risk level is re-classified;
- formulae and instructions on standard sex offender risk assessment instruments;
- strategies for sex offender management; and
- other matters deemed necessary by the WASPC.

When developing the policy, the WASPC must consult with the following groups: the Department of Corrections, the Indeterminate Sentence Review Board, the Washington State Council of Police Officers, local correctional agencies, the Washington Association of Prosecuting Attorneys, the Washington Association of Criminal Defense Lawyers, the Washington Association for the Treatment of Sexual Abusers, victim advocates, the Office of the Superintendent of Public Instruction, the Association of Washington Cities, the Criminal Justice Training Commission, and the Washington Coalition of Sexual Assault Programs.

The model policy must provide guidelines for sex offender registration, community notification, and strategies for sex offender management. When convened, the work group

must conduct community meetings around the state to assess the practices and needs of communities and identify best practices on sex offender registration, community notification, and strategies on sex offender management. Once input from stakeholders has been received the work group must present a model policy to the WASPC for adoption or rejection.

If the policy is adopted, the work group must conduct meetings around the state with law enforcement and other criminal justice personnel to review the model policy and conduct training. The task force will then be dissolved and the WASPC will take over the promotion of the model policy.

**Substitute Bill Compared to Original Bill:**

The substitute bill adds the following to the list of entities the WASPC must consult when developing the model policy: the Washington Association of Criminal Defense Lawyers, the Office of the Superintendent of Public Instruction, the Association of Washington Cities, the Criminal Justice Training Commission, and the Washington Coalition of Sexual Assault Programs. The substitute bill requires the model policy to contain best practices for notification of a school and the community when a juvenile sex offender attends a school. The substitute bill also clarifies that procedures for educating the public regarding the right of sex offenders not to be harassed or subject to criminal acts apply to both juvenile and adult sex offenders.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void if not funded in the budget.

**Testimony For:** Washington should be proud of what it has done in the area of sex offender management. It has been a pioneer in enacting strict sex offender laws. This bill follows the recommendations of the Joint Task Force on Sex Offender Management. This bill may help develop a more uniform process of community notification that is tailored to the individual needs of the communities around the state. It will also help us to track departures from the Department of Corrections' initial risk level determination. This bill will enable the WASPC to serve as a help desk for communities. The bill will also help offenders obtain information on how to register and how they will be classified.

**Testimony Against:** None.

**Persons Testifying:** Representative Lovick, prime sponsor; Kathleen Sande, Office of the Superintendent of Public Instruction; Don Pierce and James McMahan, Washington Association of Sheriffs and Police Chiefs; Jeff Sale, Cheney Police Department; and John Sineclair, Washington Association of Criminal Defense Lawyers and Washington Defenders Association.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Criminal Justice & Corrections be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Chandler, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Pearson, Priest, Schual-Berke, P. Sullivan, Talcott and Walsh.

**Staff:** Bernard Dean (786-7130).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Criminal Justice & Corrections:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The Sex Offender Management Task Force worked on the issues of classification, notification, information management, and departures from the Department of Corrections' (DOC) end-of-sentence review process for sex offenders. We need to go back and re-do the work we did in 1997 to determine what information is needed in the community. The Washington State Association of Sheriffs and Police Chiefs will work with DOC to monitor departures from the End-of-Sentence Review Committee.

**Testimony Against:** None.

**Persons Testifying:** James McMahan and Don Pierce, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.